

HOUSE BILL NO. 381

INTRODUCED BY K. KERNS

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSES OF WRONGFUL ENFORCEMENT OF CERTAIN FEDERAL FIREARMS LAWS, REGULATIONS, OR ORDERS; AND PROVIDING A PENALTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Wrongful enforcement of federal firearms laws -- penalties. (1) A

peace officer, state official, or official of a political subdivision who purposely or knowingly enforces a law, regulation, or order of the United States that conflicts with the provisions of Title 30, chapter 20, part 1, is guilty of a misdemeanor and upon conviction shall be punished by a term of imprisonment in a county jail for not more than 1 year, fined an amount not to exceed \$2,000, or both.

(2) An official, agent, or employee of the United States who purposely or knowingly enforces a law, regulation, or order of the United States relating to a personal firearm, firearm accessory, or ammunition manufactured in this state that conflicts with the provisions of Title 30, chapter 20, part 1, is guilty of a misdemeanor and upon conviction shall be punished by a term of imprisonment in a county jail for not more than 1 year, fined an amount not to exceed \$2,000, or both.

(3) As used in this section, the following definitions apply:

(a) "Agent" means an individual employed by the executive branch of the United States government with the authority of a peace officer to enforce a federal law, regulation, or order concerning firearms.

(b) "Official" means an individual in an appointive or elective position of any branch of government with the authority or duty under law to take an act to enforce a law, regulation, or order.

(c) "Order" means an order of an administrative or judicial tribunal or officer.

(d) "Peace officer" has the meaning provided in 45-2-101.

(e) "Political subdivision" means a city, town, county, or consolidated government.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [section 1].

